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**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR  
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Small Entity)**

Docket No.  
BAF-16402/29

In Re Application Of: Ferree

MAY 13 2005

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/652,842	08/29/2003	S. Jackson	25006	3738	2836

Invention: **CEMENTED ARTIFICIAL DISC REPLACEMENT**

05/16/2005 MAHMED1 00000036 10652842  
02 FC:2251 60.00 OP

COMMISSIONER FOR PATENTS:

This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of January 10, 2005 in the above-identified application.

Date

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated January 10, 2005 finally rejecting Claim(s) 1-33

Applicant(s) hereby request(s) an extension of time of (check desired time period):

☒ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: April 10, 2005 until: May 10, 2005  
Date Date

The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:

Fee for Notice of Appeal: \$250.00

Fee for Extension of Time: \$60.00

**TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: \$310.00**

The fee for the Notice of Appeal and extension of time is to be paid as follows:

☒ A check in the amount of \$310.00 for the Notice of Appeal and extension of time is enclosed.

☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_

☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 07-1180

05/16/2005 MAHMED1 00000036 10652842

☒ Any additional filing fees required under 37 C.F.R. 1.16. 01 FC:2401 250.00 OP

☐ Any patent application processing fees under 37 CFR 1.17.

☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 07-1180

☐ Payment by credit card. Form PTO-2038 is attached.

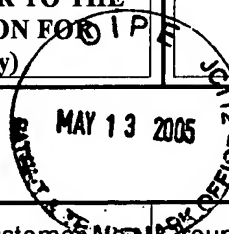
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Invention: **CEMENTED ARTIFICIAL DISC REPLACEMENT**

TO THE COMMISSIONER FOR PATENTS:

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:

Dated: May 10, 2005

John G. Posa  
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ 5/10/05 (Date)	
_____ Signature of Person Mailing Correspondence	
Sheryl L. Hammer Typed or Printed Name of Person Mailing Correspondence	

\*This certificate may only be used if paying by deposit account.

CC: